

#3

Express Mail Label No.: 585246337US

Date of Deposit: June 21, 2001

PATENT APPLICATION

Attorney Docket No. 15966-672

(Cura-172))



COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a utility patent is sought on the invention entitled

NOVEL POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME

the specification of which was filed on February 14, 2001 and assigned U.S.S.N. 09/783,436, bearing Attorney Docket No. 15966-672 (CURA-172).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

- ☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Application No. (U.S.S.N.)	Filing Date (dd/month/yyyy)	Status (Patented, Pending, Abandoned)
60/182,637	February 15, 2000	Abandoned
60/237,862	October 4, 2000	Pending
60/240,316	October 13, 2000	Pending

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

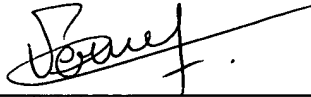
Attorney or Agent	Registration No.	Attorney or Agent	Registration No.
Kevin Ainsworth	39,586	David E. Johnson	41,874
Ingrid Beattie	42,306	Christina Karnakis	45,899
William Belanger	40,509	Robert Klauzinski	42,742
Naomi Biswas	38,384	Kristin E. Konzak	44,848
Bradford C. Blaise	47,429	Cynthia Kozakiewicz	42,764
Duane Blake	47,279	Barry Marenberg	40,715
Sean M. Coughlin	P-48,593	William Marino	44,219
Yong Choi	43,324	A. Jason Mirabito	28,161
David F. Crosby	36,400	Michel Morency	Limited Recognition
Christopher J. Cuneo	42,450	Carol H. Peters	45,010
Brett N. Dorny	35,860	David Poirier	43,007
Marianne Downing	42,870	Michael Renaud	44,299
Ivor R. Elrifi	39,529	Brian Rosenbloom	41,276
Heidi A. Erlacher	45,409	Robert J. Sayre	42,124
James C. Gatto	32,694	Thomas M. Sullivan	39,392
Richard Gervase	46,725	Janine Susan	46,119
Matthew J. Golden	35,161	Howard Susser	33,556
John A. Harre	37,345	Raphael A. Valencia	43,216
Brian P. Hopkins	42,669	Shelby J. Walker	45,192
Shane Hunter	41,858		

all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent.

Please address all telephone calls to Ivor R. Elrifi at telephone number 617/348-1747. Please address all correspondence to:

Ivor R. Elrifi
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, Massachusetts 02111

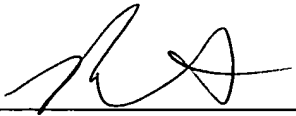
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



Signature of Corine A.M. Vernet

6/12/01
Date

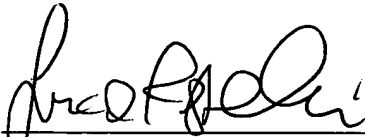
Full Name of Inventor: Corine A. M. Vernet
Citizenship: France
Residence: ~~4830 NW 43rd Street, P#253, Gainesville, FL 32060~~
Post Office: same as above 1739 Foxon Road, L6
North Branford, CT 06471



Signature of Richard A. Shimkets

6/12/01
Date

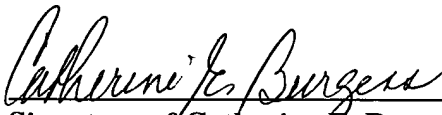
Full Name of Inventor: Richard A. Shimkets
Citizenship: United States
Residence: 191 Leete Street, West Haven, CT 06516
Post Office: same as above



Signature of Luca Rastelli

6/12/01
Date

Full Name of Inventor: Luca Rastelli
Citizenship: Italy
Residence: 52 Pepperbush Lane, Guilford, CT 06437
Post Office: same as above

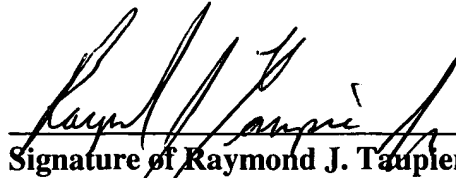


Signature of Catherine E. Burgess

June 12, 2001
Date

Full Name of Inventor: Catherine E. Burgess
Citizenship: United States
Residence: 90 Carriage Hill Drive, Wethersfield, CT 06109
Post Office: same as above

Applicant: Vernet *et al.*



Signature of Raymond J. Taupier, Jr.



Date

Full Name of Inventor: Raymond J. Taupier, Jr.

Citizenship: United States

Residence: 47 Holmes Street, East Haven, CT 06512

Post Office: same as above

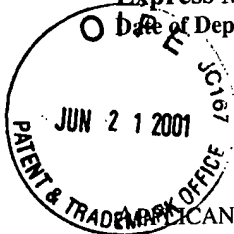
TRADOCS:1438642.1(%%2@01!.DOC)

#3

Express Mail Label No.: EL585246337US

Date of Deposit: June 21, 2001

Attorney Docket No. 15966-672 (CURA-172)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Vernet, et al.

SERIAL NUMBER: 09/783,436

EXAMINER: Not yet assigned

FILING DATE: February 14, 2001

ART UNIT: 1646

FOR: NOVEL POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

**CuraGen Corporation
322 East Main Street
Branford, CT 06405**

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above;
☒ the application identified above; or
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

APPLICANTS:
U.S.S.N.:

Vernet, et al.
09/783,436

Each person, concern, or organization having any rights in the invention is listed below:



no such person, concern, or organization exists.



each such person, concern, or organization is listed below: ♦

♦ Note: Separate Statements Claiming Small Entity Status are required from each named person, concern, or organization having rights to the invention. 37 C.F.R. § 1.27.

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Non-profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing:

George A. Xixis, Esq.

Title in organization of person signing:

Intellectual Property Counsel

Address of person signing:

CURAGEN CORPORATION
322 East Main Street
Branford, CT 06405

Signature: _____

Date: _____

6/20/2001

TRADOCS:1352012.1(SZ7W011.DOC)